

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

10191/4619

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/583054**

INTERNATIONAL APPLICATION NO.

PCT/EP2004/053336

INTERNATIONAL FILING DATE

08 December 2004  
(08.12.04)

PRIORITY DATE(S) CLAIMED:

19 December 2003  
(19.12.03)

TITLE OF INVENTION

**METHOD FOR OPERATING A METERING VALVE AND DEVICE FOR PERFORMING THE METHOD**

APPLICANT(S) FOR DO/EO/US

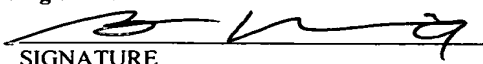
**GERLACH, Michael**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Form PCT/RO/101, International Search Report (including translation) and a Written Opinion of the International Searching Authority.

|  |              |   |  |  |    |
|--|--------------|---|--|--|----|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/583054</b>  |              | INTERNATIONAL APPLICATION NO.<br>PCT/EP2004/053336                            |  | ATTORNEY'S DOCKET NUMBER<br>10191/4619 |    |
| The following fees are submitted:  |              |   |  |  |    |
| 21. <input checked="" type="checkbox"/> Basic National Fee   |              | \$ 300.00   |  | \$ 300.00                              |    |
| 22. <input checked="" type="checkbox"/> Examination Fee  |              |   |  |  |    |
| —If International preliminary exam report prepared by USPTO and all claims satisfy provisions of PCT Article 33/(1)(4).....  |              | \$ 100.00   |  |  |    |
| —All other situations.....   |              | \$ 200.00   |  | \$ 200.00                              |    |
| 23. <input checked="" type="checkbox"/> Search Fee   |              |   |  |  |    |
| —Search Fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as ISA.....   |              | \$ 100.00   |  |  |    |
| —International Search Report prepared and provided to the Office.....  |              | \$ 400.00   |  | \$ 400.00                              |    |
| —All other situations.....   |              | \$ 500.00   |  |  |    |
| <b>TOTAL OF (21), (22), &amp; (23) =</b>   |              |   |  | <b>\$ 900.00</b>                       |    |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |              |   |  |  |    |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE   |  |    |
| -100   | /50=         |   | x \$250  | \$                                     |    |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |   |  | \$                                     |    |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA  | RATE   |  |    |
| Total Claims   | 8 - 20 =     | 0   | x \$50.00  | \$ 0                                   |    |
| Independent Claims   | 2 - 3 =      | 0   | x \$200.00   | \$ 0                                   |    |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |   | + \$360.00   | \$                                     |    |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |   |  | <b>\$ 900.00</b>                       |    |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |   |  |  |    |
| <b>SUBTOTAL =</b>  |              |   |  | <b>\$ 900.00</b>                       |    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |   |  | \$                                     |    |
| <b>TOTAL NATIONAL FEE =</b>  |              |   |  | <b>\$ 900.00</b>                       |    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet. \$40.00 per property.  |              |   |  | \$                                     |    |
| <b>TOTAL FEES ENCLOSED =</b>   |              |   |  | <b>\$ 900.00</b>                       |    |
|  |              |   |  | Amount to be refunded:                 | \$ |
|  |              |   |  | Amount to be charged                   | \$ |
| a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.<br>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>11-0600</u> in the amount of <b>\$900.00</b> to cover the above fees. A duplicate of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>11-0600</u> . A duplicate copy of this sheet is enclosed.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038. |              |   |  |  |    |
| <b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>  |              |   |  |  |    |
| SEND ALL CORRESPONDENCE TO:<br>KENYON & KENYON LLP<br>One Broadway<br>New York, New York 10004<br><b>CUSTOMER NO. 26646</b>  |              |   | <br>SIGNATURE<br>Gerard A. Messina (Reg. No. 35,952)<br>NAME<br><u>6/14/06</u><br>DATE |  |    |